THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.361 of 2007

Dated:06.03.2007

Between:

Dadtla Siva Rama Ranga Varma.

…PETITIONER

AND

The District Collector, Kakinada, and others.

…RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.361 of 2007

ORDER:

The petitioner is allegedly a small farmer and resident of P.Dontamuru, Pithapuram Mandal, East Godavari District. He alleges that the area was devastated by a cyclone in first week of August, 2006 and in last week of September, 2006. The State Government announced compensation for effected farmers. The Field Assistant of Horticulture Department enquired about the damages to the banana crop raised by the petitioner. The petitioner alleges that the enquiry did not stop there and at the instance of first respondent repeated enquiries are being conducted by various officials of departments of revenue and agriculture. Annoyed with this, instant writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in conducting repeated enquiries as arbitrary and illegal, and for a consequential direction to drop all the enquiries.

The petitioner's counsel brought to the notice of this Court that the enquiries are being conducted as per the order of the District Collector, first respondent herein. A copy of said order is not placed before this Court. Therefore, at the request of the learned counsel, the matter was adjourned on 19.01.2007 and 09.02.2007 to enable the counsel to produce the order of first respondent. In spite of the same, no order copy is produced. In the absence of copy of the order passed by first respondent authorizing such enquiries to assess the damages

to the crop affected due to cyclone, it is not possible to appreciation the nature of the enquiries that are sought to be conducted by different departments at different times. Be that as it is, when the Government of Andhra Pradesh decides to compensate the farmers, who suffered damage in the cyclone, as an ameliorative measure, it is purely in the realm of executive discretion and the Court has least say in such matters. It is nobody's case that all the farmers expect a bounty whenever there is cyclone allegedly resulting in damage to crops.

The writ petition, with the above observations, is accordingly dismissed. No costs.

_____

(V.V.S.RAO, J)

06th March, 2007
ghn